

CBNC

1420 – N. Scottsdale Road (Papago Plaza)
Amendment to existing live entertainment use permit

PROJECT NARRATIVE

This request is for approval of a modification to the existing live entertainment use permit as approved in case 21-Up-86 #3 on 6/18/98. That case approved live entertainment at this location but placed a time restriction for the time of live band performances. That stipulation reads, "No live entertainment EXCEPT DISC JOCKEYS shall operate past 12:00 am." This request is to eliminate the time restriction as it pertains to live band performances, comedians, performing arts and other live performances, as defined in Sec. 3.100 of the Zoning Ordinance and allow all live entertainment activity to be subject to the same 1:00 am time limit. * The owner is not proposing to provide Teen Dance activity as approved in case 21-UP-86 #3.

CBNC is located in the Papago Plaza at the SWC of Scottsdale & McDowell Roads. The Plaza is characterized with retail uses and similar nightclub uses. Located within Papago Plaza are the Rockin' Horse Saloon and Victory Sports Bar, both of which have similar live entertainment use permits however, neither of those two have any time or use limitations placed on them. The Plaza is also home to the British Open Pub and other small restaurants. To the south of the site is a Hometown Buffet restaurant. The former Los Arcos mall site is across Scottsdale Road to the east. A JB's restaurant and automotive uses are located north of the site, across McDowell Road. A single-family neighborhood is located behind the shopping center. This space has been a location for nightclub use for over 15 years however, the current owner has been in operation for @ 16 months and is trying to up-grade its environment.

Use Permit History

- 6/17/86:** Case 21-UP-86
Use Permit for patron dance with recorded music and D.J.
- *8/2/94:** Ordinance 2620
City adopts new definition and criteria for "Live Entertainment" use.
- 12/20/94:** Case 21-UP-86 #2
Amend Use Permit to include "Live Entertainment" as defined by new Ordinance 2620 and expand after hours.
- Live Entertainment as defined by the ordinance is permitted.
 - Any bands, etc. performing shall conclude by 12:30 a.m.
- 6/18/98** Case 21-UP-86 #3
Amend existing Live Entertainment Use Permit.
- Full range of Live Entertainment permitted up to midnight.
 - D.J. only past midnight.
 - Teen dance approved with conditions

There is an existing live entertainment use permit allowing the full range of live entertainment uses as defined by the Ordinance up to the hour of 12:00 a.m. After 12:00 a.m. only a D.J., in terms of live entertainment is permitted. (patron dance is ancillary and permitted)

Criteria

Amending the live entertainment use permit to allow live performances up to the hour of 1:00 am is consistent with most other live entertainment use permits approved by the City AND consistent with approvals of other live entertainment use permits for similar establishments within the same shopping center. We find that granting this amendment will not be materially detrimental to the public health, safety or welfare. There will be no damage or nuisance arising from this proposal. There will be no unusual traffic volumes resulting from this activity and the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding area. Per the additional criteria listed below, we request approval of a live entertainment use permit:

- This site is located in a highly developed commercial corner of the City. The accompanying context site plan demonstrates that there are commercial uses existing adjacent to the site. A single-family neighborhood is located behind the shopping center however, no direct vehicular access between the two is provided. The shopping center layout and previous remodel of the buildings, which eliminate pedestrian movement between the front of the building and the back of the site, a preclusion of parking in the back, existing building walls and on-site improvements provide separation and buffer adjacent properties.
- No external speakers will be provided in association with the live entertainment. All sound emanating from the live entertainment activity will be contained within the building. A double door vestibule system will be installed at the entry to contain noise. Internal speakers are directed toward the front of the establishment. The front doors of which face Scottsdale Road. Use of the rear entry doors is reserved for emergency purposes only.
- We have met with a representative of the Scottsdale Police Department and have an approved Public Safety / Security Plan.
- The parking lot is fully lit, in accordance with Ordinance standards and the approved Development Review Board case. The lighted parking lot and lighted entry are consistent with safe and proper operational practices and Public Safety guidelines.
- The entire property, including the parking lot, will be kept in a neat and clean condition. Nightclub staff will monitor activities in the parking lot. Maintenance staff will clean litter and debris from the parking lot daily and as needed.
- The accompanying floor plan clearly identifies primary use areas. The stage area, dance floor, seating and bar areas are all designated on the floor plan.
- This property has frontage on both Scottsdale Road and McDowell Road, streets classified as a minor collector or greater. The adjacent street system provides circulation to the facility and as such, per these criteria, an independent traffic analysis is not warranted. However, one has been provided.
- A Parking Analysis has been prepared and is included with this application. All Ordinance required parking spaces are provided on-site. Any additional parking spaces required as part of an extension of the type of live entertainment uses are provided on-site.
- The following operational standards apply and will be complied with:
 1. All external doors shall be closed but not locked during live entertainment activity
 2. No external speakers will be utilized in association with live entertainment uses
 3. The applicant / owner shall comply with all plans approved as provided herein